

REMARKS

New claims 17-28 are added, and claims 1-16 are canceled, without prejudice or disclaimer. Claims 17-28 are pending.

The amendments to the claims, including the added new claims 17-28, are based on the application as originally filed, in particular the abstract and paragraphs [0007] to [0013] of the description of the published application, so it is respectfully submitted that no new matter has been added.

In the office action, claim 11 was objected to, claim 12 was rejected under 35 U.S.C. § 112, second paragraph, and the use of means-plus-function language in claims 4-5 was questioned. Claims 1-16 are canceled, and new claims 17-28 are added which overcome the objection and rejection of the claims, so reconsideration and withdrawal of the objection and rejection of the claims under 35 U.S.C. § 112, second paragraph, are respectfully requested.

In the office action, claims 1-16 were rejected under 35 U.S.C. § 103(a) in view of U.S. Patent Publication Numbers US2003/0065805 to Barnes, Jr. and US2003/0174025 to Hind et al.

Claims 1-16 have been canceled, so reconsideration and withdrawal of the rejection are respectfully requested.

It is respectfully submitted that new claims 17-28 are patentable over the cited art, since the Barnes and Hind references do not disclose or suggest every element, step, and feature of the present invention.

In addition, one having ordinary skill in the art would not look to Barnes or Hind for any motivation or teachings to implement the present invention, since the only similarity of such cited art and the subject of the present invention is that there is some kind of dialogue between a customer and a system with which the customer interacts. However, the prior art systems and the present invention are significantly different and incomparable to each other.

Instead, Barnes, if considered on its own, relates to a system, method, apparatus, and computer program product for providing mobile E-commerce, wireless payments, and product information exchanges, and so is totally irrelevant to the present invention which has information carriers interacting with a system of a facility in which customers shopping in the facility are associated with the information carriers.

Similarly, Hind proposes, among other objects, to use a shopping cart attachment device to be attached to a shopping cart and to be operated by a user. However, the Hind system, if considered on its own, is irrelevant, despite the fact that Hind proposes a shopping cart attachment device.

Hind is irrelevant because such a shopping cart attachment device consists of some kind of small computer, shown in FIG. 5 of Hind, which must be actively operated by the user. The Hind system is not a practical system because first, the Hind system relies totally on activity and use by the customer; second, the Hind system would be very expensive to be installed on each of a large multitude of shopping carts of a typical shopping facility; third, the Hind system is subject to being misused, damaged, or stolen by customers; and fourth, the Hind system is subject to damage or deterioration by rough handing of the shopping carts to which the individual small computers are mounted.

On the contrary, the system of the present invention is totally different from either Barnes or Hind, since the present invention uses signal emitters, such as transponders, mounted somewhere on the shopping cart, which may include areas of the shopping cart not visible to the customer. Such emitters of the present invention are only used to identify the specific shopping cart by emitting an identity signal, while the Barnes and Hind system are far more complicated for the mobile devices or small computers to interact with their systems in their facilities.

In the present invention, the identity signals are used to trigger or switch the output or issuance of media content from the information carriers distributed through a commercial facility, such as changing information displayed or acoustically emitted to each customer using the information carriers.

Contrary to the systems of Barnes or Hind, there is nothing in the present invention that the customers need to do, nor are the customers of the present invention permitted or able to act to help or hinder the functioning of the present invention to trigger or switch the output or issuance of media content of the information carrier of each customer.

Accordingly, one skilled in the art would not look to Barnes or Hind for the present invention, since in fact Barnes and Hind teach away from the present invention having passive switching and receipt of the output or issuance of media content from the information carriers to the customers. On the contrary, Barnes and Hind specifically teach that the customers must actively interact with the system to affect information conveyed to the customers.

Furthermore, the system of the present invention provides specific information to a customer using a shopping cart, with such specific information, being media content, output from the respective information carrier associated with the shopping cart of the customer. In particular, the specific information depends on the identity of the shopping cart, and so the customer is given a temporary identity by association with the customer's shopping cart during the customer's use of the shopping cart in the facility.

Accordingly, a particular shopping cart and, by association, the customer using the shopping cart, is identified using the system of the present invention to be an individual person throughout the facility. The information displayed to the customer will change depending on use of the shopping cart and the triggering of changes in the displayed or output information, such as media content, caused by the emitter and the information carrier associated with the shopping cart.

In addition, if the same customer leaves and comes back to the facility that day, the next day, or any time thereafter and uses a different cart with a different identity, the customer will be associated with that different identity, and so may receive different output information through the information carrier of the different cart which changes according to triggering by the emitter of the different shopping cart.

In this way, the same customer may be informed or entertained at different times such as on different days in a different manner each time depending on the shopping carts used and the different triggering and changes in outputted information through the information carrier of the different carts, depending on the customer's different temporary identity associated by chance or accidentally by the choice and use of different available carts from among the plurality of shopping carts of the facility.

Therefore, since the cited art does not provide, disclose, or suggest all of these advantages, elements, steps, and features of the present invention, all pending claims 17-28 are patentable over the cited art, so entry, favorable consideration, and allowance of new claims 17-28 are respectfully requested.

Entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by the filing of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,

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